

PILLSBURY WINTHROP SHAW PITTMAN LLP
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Attorneys for Defendants
STANFORD UNIVERSITY and MAIA YOUNG

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SOREN ANDERSEN,

Plaintiff,

vs.

MAIA YOUNG, an individual; STANFORD
UNIVERSITY, a business entity unknown;
and DOES 1-100, inclusive,

Defendant.

No. C-07-03766

NOTICE OF NEED FOR ADR PHONE
CONFERENCE; REQUEST TO
DEFER ADR PHONE CONFERENCE

1 On September 25, 2007, plaintiff SOREN ANDERSEN, proceeding *pro se*, served
2 on defendants MAIA YOUNG and STANFORD UNIVERSITY a Notice of Need for ADR
3 Conference, a copy of which is attached hereto as Exhibit A. Although plaintiff had not yet
4 met and conferred with counsel for defendants as required by ADR Local Rule 3-5(a), the
5 Proof of Service attached to the notice stated, in pertinent part:

6 notice of need for ADR phone Conference, 1 page. Signed and completed
7 on behalf of plaintiff on 9-25-07. provided to defendants to be signed and
8 completed on behalf of defendants, and then by defendants filed and faxed to
ADR on behalf of the parties.

9 Ex. A. On September 29, 2007, defense counsel informed plaintiff by email, a copy of
10 which is attached hereto as Exhibit B, that ADR Local Rule 3-5(a) required the parties to
11 meet and confer to attempt to agree to an ADR process. Plaintiff refused to meet and
12 confer, and refused to stipulate to a particular form of ADR. *See* Ex. B. Instead, he
13 threatened to notify the Court and the ADR Unit if defense counsel did not sign and file the
14 Notice of Need for ADR Phone Conference. *Id.*

15 Due to plaintiff's ongoing refusal to meet and confer to attempt to agree to an ADR
16 process or to stipulate to ADR, and the pendency of the motion to dismiss, defendants
17 believe that an ADR phone conference may be appropriate, but not at this time. Plaintiff's
18 First Amended Complaint is based upon claims that were already rejected by the California
19 trial and appellate courts. Defendants have moved to dismiss plaintiff's First Amended
20 Complaint on multiple grounds, including that his claims are barred because they are based
21 on claims already decided in prior state court proceedings. A hearing on defendants'
22 motion is set for November 19, 2007. On September 6, 2007, by clerk's notice, the Court
23 vacated the Case Management Conference pending a ruling on defendants' motion to
24 dismiss. Ex. C.

25 Defendants are willing to engage in ADR, but believe that deciding on a particular
26 form of ADR prior to a ruling on the motion to dismiss would be premature. Defendants
27 respectfully request that the ADR Phone Conference be deferred until after defendants'
28

1 motion to dismiss has been decided. Defendants submit a Notice of Need for ADR Phone
2 Conference, attached hereto as Exhibit D.

3 Dated: October 8, 2007.

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PILLSBURY WINTHROP SHAW PITTMAN LLP
SARAH G. FLANAGAN
ROBERT J. NOLAN
50 Fremont Street
Post Office Box 7880
San Francisco, CA 94120-7880

By



Attorneys for Defendants STANFORD
UNIVERSITY and MAIA YOUNG

EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SOREN ANDERSEN

CASE NO. C 07-03766 JW

Plaintiff(s),

v.

NOTICE OF NEED FOR ADR PHONE
CONFERENCE

MAIA YOUNG,
STANFORD UNIVERSITY, DOES1-100

Defendant(s).

Counsel report that they have met and conferred regarding ADR and that they:

- ✓ have not yet reached an agreement to an ADR process
- ✓ request an Early Settlement Conference with a Magistrate Judge

Date of Case Management Conference 11/19/2007

The following counsel will participate in the ADR phone conference:

Name	Party Representing	Phone No.	E-Mail Address
SOREN ANDERSEN	PRO SE	(650) 452-6180	CALI@MAIL.MD

Civil Local Rule 16-8 and ADR Local Rule 3-5 require that lead trial counsel participate in a telephone conference with a member of the ADR Legal Staff before the Case Management Conference. The ADR Unit (adr@cand.uscourts.gov) will notify you of the date and time of your phone conference.

Dated: 09/25/2007

Soren Andersen
Attorney for Plaintiff

Dated: _____

Attorney for Defendant

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)		TELEPHONE NUMBER	FOR COURT USE ONLY	
SOREN ANDERSEN POSTBOKS 1146 DK-1010 COPENHAGEN K DENMARK		650-452-6180		
ATTORNEY FOR PLAINTIFF		Ref. No. or File No.		
Insert name of court and name of judicial district and branch if any. District Court Northern District, San Jose 280 S First St #2112 San Jose CA 95113				
SHORT TITLE OF CASE: SOREN ANDERSEN v MAIA YOUNG, STANFORD UNIVER. D1-100				
INVOICE NO. 574261	DATE:	TIME:	DEP./DIV.	CASE NUMBER: C0703766JW

PROOF OF SERVICE BY MAIL

I AM A CITIZEN OF THE UNITED STATES AND EMPLOYED IN THE COUNTY OF LOS ANGELES STATE OF CALIFORNIA. I AM AND WAS ON THE DATES HEREIN MENTIONED, OVER THE AGE OF EIGHTEEN YEARS AND NOT A PARTY TO THE ACTION.

ON 09/25/07, I SERVED THE WITHIN:

notice of need for ADR phone Conference, 1 page. Signed and completed on behalf of plaintiff on 9-25-07. provided to defendants to be signed and completed on behalf of defendants, and then by defendants filed and faxed to ADR on behalf of the parties

ON THE PLAINTIFF, IN SAID ACTION BY PLACING A TRUE COPY THEREOF ENCLOSED IN A SEALED ENVELOPE WITH POSTAGE THEREON PRE-PAID FOR FIRST CLASS IN THE UNITED STATES MAIL AT: SAN FRANCISCO , CALIFORNIA, ADDRESSED AS FOLLOWS:

JASON A. CATZ

PILLSBURY WINTHROP
P O BOX 7880
SAN FRANCISCO CA 94120

DECLARANT: MARK L. SCHWARTZ

RAPID LEGAL INC
1199 MONTEREY PASS ROAD
MONTEREY PARK, CA 91754
323-526-7300 FAX 323-526-7377

- d. Registered California process server
- (1) ☒ Employee or ☐ Independent Contractor
 - (2) Registration No. 902
 - (3) County: SANTA CLARA
 - (4) Expiration: 12/30/07

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATE: 09/25/07

SIGNATURE

EXHIBIT B

Nolan, Robert J.

From: Soren Andersen [cali@mail.md]
Sent: Tuesday, October 02, 2007 11:59 AM
To: Nolan, Robert J.; Flanagan, Sarah G.
Cc: cali@mail.md
Subject: Re: Andersen v. Young, 07-03766 JW

Dear Mr. Nolan et al.,

Plaintiff provided you with the signed form "Notice of Need for ADR Phone Conference" and the parties have met and conferred.

The parties have not reached an agreement to an ADR process and request an early settlement conference, as stated in the provided and signed "Notice of Need for ADR Phone Conference".

Please sign and file the Notice of Need for ADR Phone conference, and remember to also send or fax (number 415 522-4112) it to the ADR unit.

Should you refuse to sign and file the document and notify the ADR unit before the deadline stated in the July 23, 2007 order, Plaintiff will promptly notify the court and the ADR unit hereof.

Dated: October 2, 2007

By: Soren Andersen
Plaintiff in pro se
Case: C 07-03766 JW
Postboks 1146, DK-1010 Copenhagen K, Denmark.

>-----Original Message-----

>From: Nolan, Robert J. [mailto:robert.nolan@pillsburylaw.com]

>Sent: Monday, October 1, 2007 04:39 PM

>To: 'Soren Andersen'

>Cc: 'Flanagan, Sarah G.', 'Catz, Jason A.'

>Subject: RE: Andersen v. Young, 07-03766 JW

>

>Mr. Andersen:

>

>Although your response is less than clear, we take it to mean that you

>refuse to meet and confer and refuse to stipulate to an ADR process.

>

>Very truly yours,

>

>Robert J. Nolan | Pillsbury Winthrop Shaw Pittman LLP

>-----

>Tel: 415.983.1864 | Fax: 415.983.1200 | Cell: 415.690.3263 50

>Fremont Street | San Francisco, CA 94105-2228

>

>Email: robert.nolan@pillsburylaw.com

>Bio: <http://www.pillsburylaw.com/robert.nolan>

>www.pillsburylaw.com

>

>

>-----Original Message-----

>From: Soren Andersen [mailto:cali@mail.md]

>Sent: Saturday, September 29, 2007 3:13 AM

>To: Nolan, Robert J.; Flanagan, Sarah G.; Catz, Jason A.

>Cc: cali@mail.md

>Subject: Re: Andersen v. Young, 07-03766 JW

>
>Dear Mr. Nolan,
>
>The parties have not reached an agreement to an ADR process and request
>an early settlement conference, as stated in the provided and signed
>"Notice of Need for ADR Phone Conference".
>Please sign and file the Notice of Need for ADR Phone conference, and
>remember to also send or fax (number 415 522-4112) it to the ADR unit.

>
>Dated: September 29, 2007

>
>By: Soren Andersen
>Plaintiff in pro se
>Case: C 07-03766 JW

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>-----

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>>-----Original Message-----

>>From: Nolan, Robert J. [mailto:robert.nolan@pillsburylaw.com]
>>Sent: Saturday, September 29, 2007 12:39 AM
>>To: cali@mail.md
>>Cc: 'Flanagan, Sarah G.'
>>Subject: Andersen v. Young, 07-03766 JW

>>
>>Mr. Andersen:

>>
>>On September 26, 2007, we received from you a Notice of Need for ADR
>>Phone Conference. The proof of service states that you provided the
>>Notice of Need for ADR Phone Conference "to defendants to be signed
>>and

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>>completed on behalf of defendants, and then by defendants filed and
>>faxed to ADR on behalf of the parties." ADR Local Rule 3-5 requires
>>the parties to meet and confer to attempt to agree to an ADR process.
>>ADR L.R. 3-5(a). We have not met and conferred to attempt to agree to
>>an ADR process, and do not intend to sign and file a Notice of Need
>>for

>
>>ADR Conference without first meeting and conferring as required by ADR
>>Local Rule 3-5. See ADR LR 3-5(a)&(c); see also Civ. L.R. 16-8.

>>
>>Please inform us whether you are willing to stipulate to a particular
>>ADR process, and, if so, what ADR process you propose.

>>
>>Very truly yours,

>>
>>Robert J. Nolan | Pillsbury Winthrop Shaw Pittman LLP

>>-----
>>Tel: 415.983.1864 | Fax: 415.983.1200 | Cell: 415.690.3263 50
>>Fremont Street | San Francisco, CA 94105-2228

>>
>>Email: robert.nolan@pillsburylaw.com
>><mailto:firstname.lastname@pillsburylaw.com>
>>Bio: <http://www.pillsburylaw.com/robert.nolan>
>><<http://www.pillsburylaw.com/bv/bvisapi.dll/portal/ep/profDetail.do/bi>

>>o
>>/
>>15374>
>>www.pillsburylaw.com

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>>-----The

>>contents

>of this message, together with any attachments, are intended only for
>the use of the individual or entity to which they are addressed and
>may contain information that is legally privileged, confidential and
>exempt from disclosure. If you are not the intended recipient, you are
>hereby notified that any dissemination, distribution, or copying of
>this message, or any attachment, is strictly prohibited. If you have
>received this message in error, please notify the original sender or
>the Pillsbury Winthrop Shaw Pittman Help Desk at Tel: 800-477-0770
>x4860 immediately by telephone or by return E-mail and delete this
>message, along with any attachments, from your computer. Thank you.

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>This e-mail was sent using Mail.md

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This e-mail was sent using Mail.md

EXHIBIT C

United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SOREN ANDERSEN,

No. C 07-03766 JW

Plaintiff(s),

CLERK'S NOTICE VACATING CASE
MANAGEMENT CONFERENCE

v.

MAIA YOUNG, ET AL,

Defendant(s).

TO ALL PARTIES AND COUNSEL OF RECORD:

YOU ARE NOTIFIED THAT the Court currently has Defendants' Motion to Dismiss on calendar for November 19th at 9:00 AM. The Court vacates the October 29, 2007 Case Management Conference pending the Court's ruling on the Motion. The Court will set a Further Case Management date if necessary.

Dated: September 6, 2007

FOR THE COURT,
Richard W. Wieking, Clerk

by: /s/
Elizabeth Garcia
Courtroom Deputy

EXHIBIT D

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SOREN ANDERSEN

CASE NO. C 07-03766 JW

Plaintiff(s),

v.

NOTICE OF NEED FOR ADR PHONE
CONFERENCE

MAIA YOUNG,
STANFORD UNIVERSITY, DOES1-100

Defendant(s).

Counsel report that they have met and conferred regarding ADR and that they:

- ✓ have not yet reached an agreement to an ADR process
- ✓ request an Early Settlement Conference with a Magistrate Judge

Date of Case Management Conference 11/19/2007

The following counsel will participate in the ADR phone conference:

Name	Party Representing	Phone No.	E-Mail Address
SOREN ANDERSEN	PRO SE	(650) 452-6180	CALI@MAIL.MD
Sarah Flanagan	Defendants	(415) 983-1190	sarah.flanagan@pillsburylaw.com

Civil Local Rule 16-8 and ADR Local Rule 3-5 require that lead trial counsel participate in a telephone conference with a member of the ADR Legal Staff before the Case Management Conference. The ADR Unit (adr@cand.uscourts.gov) will notify you of the date and time of your phone conference.

Dated: 09/25/2007 ■

Soren Andersen
Attorney for Plaintiff

Dated: 10/8/07

[Signature] *
Attorney for Defendant

* As set forth in defendants' Request to Defer ADR Phone Conference, defendants respectfully request that an ADR Phone Conference be deferred until after defendants' motion to dismiss has been decided. A hearing on defendants' motion to dismiss is scheduled for November 19, 2007. On September 6, 2007, the Court vacated the CMC pending a ruling on defendants' motion.